

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDUARDO GUIMARAES and MARCIA
CARMO,

Plaintiffs,

16-cv-3388 (PKC)

-against-

ORDER

BERKSHIRE COAL CORPORATION, et al.,

Defendants.

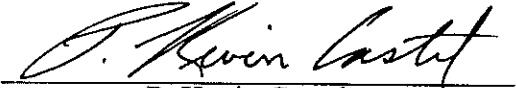
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CASTEL, U.S.D.J.

Insofar as paragraph 2 of the proposed order is concerned, there is no reason and no basis for the Court to make the proposed finding. This Court has vacated its own judgment and that should be sufficient. Anything else is a collateral consequence beyond the purview of this Court.

Application denied without prejudice.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
January 18, 2018

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

EDUARDO GUIMARES AND
MARCIA CARMO,

Plaintiffs,

Case No.: 1:16-cv-03388-PKC

v.

BERKSHIRE COAL CORPORATION, LAURA
UTLEY, AN INDIVIDUAL AND BENTLEY
BLUM, AN INDIVIDUAL

STIPULATION FOR ENTRY OF CONSENT ORDER

WHEREAS, on March 24, 2017, this Court entered a Default Judgment against Defendants, BERKSHIRE COAL CORPORATION (“Berkshire”), LAURA UTLEY (“Utley”) and BENTLEY BLUM (“Blum”, and together with Berkshire and Utley “Defendants”) [D.E. 35] (the “Judgment”). Based on the entry of the Judgment, Plaintiffs filed a lien against a piece of real property located in New Jersey (the “NJ Property”) and owned by Defendant, Laura Utley (“Utley”) on July 27, 2017, by domestication of the Judgment which was assigned Judgment No. DJ-124545-17 by the Superior Court of New Jersey (“Lien”) (see: Exhibit A);

WHEREAS, on November 20, 2017, the Court entered an Order [D.E. 56] (the “Order”) vacating the Judgment; and

WHEREAS, Plaintiffs’ counsel has contacted the New Jersey Superior Court to remove the Lien by providing a copy of the Order, and the New Jersey Superior Court has advised that, in order to remove the Lien on the NJ Property, it requires reference of the assigned New Jersey Judgment No. DJ-124545-17 in any order.

WHEREAS, the New Jersey Superior Court will not remove the Lien unless it has an order from this Court making reference to New Jersey Judgment No. DJ-124545-17.

WHEREAS, the Parties have conferred in good faith and have agreed upon the terms of this Stipulation and Proposed Order.

Dated: January 12, 2018



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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

EDUARDO GUIMARES AND
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Case No.: 1:16-cv-03388-PKC

v.

BERKSHIRE COAL CORPORATION, LAURA
UTLEY, AN INDIVIDUAL AND BENTLEY
BLUM, AN INDIVIDUAL

ORDER APPROVING STIPULATION FOR ENTRY OF CONSENT ORDER

THIS MATTER is before the Court on the Stipulation for Entry of Consent Order [D.E. ____] (the "Stipulation"). Having reviewed the agreement of the parties, it is hereby ORDERED:

1. The Default Judgment [D.E. 35] was vacated by this Court on November 20, 2017 [See D.E. 56].
2. The Default Judgment, prior to its vacatur, was domesticated by Plaintiff in New Jersey and assigned Judgment No. DJ-124545-17, as referenced in the letter from the Superior Court of New Jersey [D.E. 37-8].

DONE AND ORDERED, in Chambers, at New York, New York this ____ day of January, 2018.

P. Kevin Castel
United States District Judge

cc: All counsel of record